ANNUAL REPORT OF THE STANDING COMMITTEE ON HUMAN RESOURCES

December 2002

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House of Assembly
Nova Scotia

103-02635/

Hon. Murray Scott
Speaker
House of Assembly
Province House
Halifax, Nova Scotia

Dear Mr. Scott:

On behalf of the Standing Committee on Human Resources, I am pleased to submit the Annual Report of the Committee for the Second Session of the Fifty-Eight General Assembly.

Respectfully submitted

Mr. Jon Carey, MLA
(Kings West)
Chairman
Standing Committee on Human Resources

Halifax, Nova Scotia
November 2002

Printed on paper that contains recycled fibre

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Standing Committee on Human Resources - Annual Report 2001 - 2002

FOREWORD

The report of the Standing Committee on Human Resources is written in accordance with the rules and procedures of the House of Assembly. First outlining the role of the committee in regard to approving or not approving applications to provincial Agencies, Boards and Commissions. Second providing a brief summary description of intellectual property rights with regard to the culture sector. As well, the report outlines a precedent in regard to the Speakers' ruling concerning dissenting or minority reports within committee reports.

MANDATE

Functions of Standing Committees

60 (2) For greater certainly, The Human Resources Committee is established for the purpose of

(i) considering matters normally assigned to or within the purview of the Departments and Ministers of Education and Culture and of Labour,

(ii) Reviewing and approving or not approving candidates for appointment to agencies, boards or commissions where the Governor in Council has, pursuant to an enactment, the sole discretion to make the appointment or where the Governor in Council makes the appointment by choosing from a list of nominees provided to the Governor in Council pursuant to an enactment,

(iii) reviewing and approving or not approving ministerial appointees to agencies, boards or commissions where, pursuant to an enactment, Governor in Council approval is not required, and

(iv) for purposes of greater clarity and certainty, the Committee shall be guided by the terms of reference set out herein and which form part of this rule;

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Terms of Reference in Reviewing Agency, Board and Commission Appointments:

1. *Where Governor in Council approval is required for an appointment to an Agency, Board or Commission, after consideration by Executive Council of a person recommended for appointment to an Agency, Board or Commission, the Clerk of the Executive Council shall submit the name of the person to the Human Resources Committee, on form "A".*

2. *Prior to making a Ministerial appointment to an Agency, Board or Commission for which Governor in Council approval is not required, a Minister shall submit the name of the proposed appointee to the Executive Council for consideration. Where the Executive Council recommends the name, the Clerk of the Executive Council shall submit the name to the person to the Human Resources Committee.*

3. *Committee members shall review the name submitted for approval having regard to qualifications of the individual, affirmative action concerns and, where relevant, the regional representatives of the Agency, Board or Commission.*

4. *The purpose of the Committee review is not to replace the function of Government Departments and Ministers in making appointments. Its function is to approve or not approve the name before it, not to consider or recommend alternative names for appointments.*

5. *The following appointments shall not be submitted to the Human Resources Committee for review:*

   (a) appointments of provincial public or civil servants by virtue of their employment (i.e. The Deputy Minister of Finance is an unpaid member of the Lotteries Commission);

   (b) candidates selected by an open competition and selection process or peer review (i.e. Provincial Judges selected by the Judicial Appointments Committee or employees of Agencies, Boards or Commissions);

   (c) candidates recommended for appointment to self-regulatory bodies who are elected or recommended by the body (i.e. Nova Scotia Medical Society);

   (d) candidates recommended for appointment to Hospitals and Universities where the candidate is recommended by the Board of Governors or Directors of the Institution.

6. *The Committee may interview a recommended candidate where a majority of members support a motion to interview a particular recommended candidate.*
7. *The Committee shall not hear submissions oar representations form anyone not a member of the Committee.*

8. *Meetings of the Committee shall be open to the public unless the Committee majority vote determines to meet in camera.*

9. *The Committee shall meet at least once a month every month of the year irrespective of whether the House of Assembly has been prorogued.*

10. *The Committee shall approve or not approve recommended candidates on the basis of a simple majority.*

11. *The Committee shall make recommendations with respect to every name submitted by Executive council on the day it appears on the agenda unless a majority of members agree to defer a recommendation to the next meeting.*

12. *Recommendations of the Committee shall be accepted by the Executive Council and the Minister responsible for the appointment.*

13. *The agenda for meetings and a list of recommended candidates and Form "A" will be provided to all members one week in advance.*

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INTRODUCTION

The Standing Committee on Human Resources, an all-party Committee of the House of Assembly, was struck at the beginning of the First Session of the Fifty-Eighth General Assembly, pursuant to Rule 60 of the *Province of Nova Scotia Rules and Forms of Procedures of the House of Assembly*. The Committee's membership, during the Second Session of the General Assembly, was as follows:

Mr. Kerry Morash, MLA - Chairman
Queens

Dr. Jim Smith - Vice Chairman
Dartmouth East

Mr. Ron Chisholm, MLA
Guysborough - Port Hawkesbury

Mr. Tim Olive, MLA
Dartmouth South

Mr. Richard Hurlburt, MLA
Yarmouth

Mr. Cecil Clarke, MLA
Cape Breton North

Ms. Maureen MacDonald, MLA
Halifax Needham

Mr. Graham Steele, MLA
Halifax - Fairview

Mr. Michel Samson, MLA
Richmond

Due to membership changes the following members of the committee have been replaced: Hon. Tim Olive (Dartmouth South) was replaced by Mrs. Mary Ann McGrath, MLA (Halifax-Bedford Basin), Hon. Cecil Clarke (Cape Breton North) was replaced by Mr. Kerry Morash, MLA (Queens), Mr. Kerry Morash, MLA (Queens) was replaced by Mr. Jon Carey, MLA (KingsWest) as Chairman, Mr. Michel Samson, MLA (Richmond) was replaced by Mr. Brian Boudreau, MLA (Cape Breton the Lakes), Mr. Richard Hurlburt, MLA (Yarmouth) was replaced by Mr. John Chataway, MLA (Chester-St. Margaret's) and Mr. Kerry Morash, MLA (Queens) was replaced by Mr. Brooke Taylor, MLA (Colchester-Musquodoboit Valley) as member.

PROCEDURES AND OPERATIONS

The Human Resources Committee meets on the last Tuesday of every month to consider appointments to Agencies, Boards and Commissions. The Committee also meets periodically to consider other matters under their mandate. These meetings are held on Tuesday mornings in the Legislative Committees Office. During the Second Session if the Fifty-Eighth General Assembly, the Human Resources Committee has met on the following dates:

July 31, 2001	November 27, 2001	April 16, 2002	July 30, 2002
August 8, 2001	December 18, 2001	April 30, 2002	August 27, 2002
August 28, 2001	January 29, 2002	May 23, 2002	September 24, 2002
September 25, 2001	February 26, 2002	May 28, 2002	
October 30, 2001	March 26, 2002	June 25, 2002	

AGENCIES, BOARDS AND COMMISSIONS

During the first session of the Fifty-Sixth General Assembly (1993), an amendment was made to Rule 60 of the *Province of Nova Scotia Rules and Forms of Procedure of the House of Assembly*. This amendment increased the mandate of the Standing Committee on Human Resources. The Committee has been legislated to review potential appointments to all government Agencies, Boards and Commissions (ABC's).

THE PROCESS

There two ways in which an appointment can be made to an Agency, Board or Commission. They are as follows:

i. **Order in Council**
Order in Council appointments require both the Executive Council (Cabinet) and the Lieutenant Governor's approval.

ii **Ministerial**
These appointments are made by the Minister responsible for the legislation that establishes the Agency, Board or Commission. These appointments then are forwarded to the Executive Council (Cabinet).

The principle distinction between the two types of appointments is that the Ministerial appointments are made by the Minister responsible for the legislation that establishes the ABC. Whereas, Order in Council (OIC) appointments are recommended to the Executive Council by the Minister responsible for the legislation that established the ABC and only upon Executive Council approval are the Orders then signed by the Lieutenant Governor.

The Human Resources Committee has been legislated, since 1993, to look at both forms of appointments. The only appointments that the Committee will not consider are those excluded by Rule 60 (2) (c) (iv) 5.(a-d) of the mandate contained within the *Rules and Forms of Procedure of the House of Assembly*.

Technically, there is no difference between an Agency, Board or Commission insofar as the name is concerned. They are called one or the other depending on how it is referred to in the legislation. It is the legislation determines the role, mandate, authority and jurisdiction of the ABC, not the name.

NUMBER OF AGENCIES, BOARD AND COMMISSIONS

Currently there are 245 Agencies, Boards and Commissions. There are approximately 1100 people appointed to ABC's at any particular time. In accordance with the objectives of the government to reduce the number of agencies, boards and commissions there has been a significant reduction related to inactive or unnecessary agencies, boards and commissions.

REMUNERATION

There is no set formula for remuneration for the people serving on Agencies, Boards and Commissions. P&P (now called Treasury and Policy Board) determined that it would be up to each individual Department / Minister to review and set the remuneration for the individual boards. Remumeration for a number of Agencies, Boards and Commissions are currently under review.

Remuneration can vary from boards such as the Utility and Review Board which pays $70,000 per annum to boards such as the Regional Health Boards which compensate for expenses only.

BULK ADVERTISEMENT

Once every six months a list of upcoming vacancies for all government Agencies, Boards and Commissions is generated. These vacancies must be advertised through Communications Nova Scotia in the Chronicle Herald, Daily News and the Cape Breton Post as per the Standing Committee on Human Resources' advertising policy (July 23, 1998). The Standing Committee on Human Resources' Clerk organizes the bulk advertisement. Departments can still place ads for individual ABC's when required. The Standing Committee on Human Resources needs to be informed of supplementary ads prior to placement to ensure that the advertising policy is being followed.

All applications from the bulk ad are received by the Executive Council Office then forwarded to the individual departments.

DEPARTMENT SCREENING PANELS

Once the individual applications are forwarded to the Department, the screening panels are consulted. All appointments, even those people being reappointed to a board, must go through the screening panel process. Screening panels are appointed by the individual ministers to screen all applicants to ABC's to ensure that all candidates are chosen in a fair and equitable manner.

The screening panels are to be made up of volunteers from the community. The members of the screening panels need to have technical expertise, they should represent the stakeholders of those particular ABC's which they oversee and there should be some regional representation within the panel where appropriate.

The mandate of the Screening Panels, as established by the Executive Council's Office, is as follows:

> ***(II) Screening Panels***
>
> *Screening panels were established as a matter of discretion. The purpose of screening panels was to establish a mechanism to determine qualified candidates for appointment to ABC's, to assist ministers in the selection of candidates to fill vacancies on ABC's.*
>
> *Screening panel members are selected by ministers on the basis of experience in the area of concern of the department, having regard for expertise, regional representation, gender, racial and other affirmative action considerations. Departmental staff assist the minister in recruiting screening panel members, having regard to the experience in the area of concern of the department, having regard to expertise, regional representation, gender, racial and other affirmative action considerations.*

Once the screening panel has approved a candidate, their application is forwarded to the Minister. The Minister is then able to select candidates from this pool of applications. The signed paperwork is then forwarded to the Clerk of the Executive Council. The applications are sent to the Treasury and Policy Board and the Cabinet prior to being sent to the Standing Committee on Human Resources.

Once Cabinet approval is obtained, those applications that the Human Resources Committee is mandated to approve or not approve are then sent to the Legislative Committees Office and placed on the Standing Committee on Human Resources' agenda.

The material is received no later than the Friday eleven calendar days prior to the scheduled Human Resources Committee meeting. The material is copied and distributed to all Committee members on the Tuesday, one week in advance of the meeting, as dictated by the *Province of Nova Scotia Rules and Forms of Procedures of the House of Assembly*.

If subsequent material arrives from the Executive Council Office after the one week deadline has occurred, it can still be distributed to the Committee members, but before it can be considered at the scheduled meeting, a waiver of notice must be signed and given to the Human Resource Committee Clerk. The signing of the waiver must be unanimous. If there is one Committee member who objects to the items being added to the agenda, the items will be tabled and placed on the agenda for the next meeting. The same procedure holds true if for some reason the Human Resources Committee's policies and/or procedures are not adhered to (i.e. ABC not advertised).

If the appointments are **approved**, the material is returned to the Executive Council Office and placed on the order paper for the Lieutenant Governor's signature.

If the appointments are **not approved**, the material is also returned to the Executive Council Office, whereupon it will be returned to the appropriate department with a letter from the Clerk explaining the circumstances surrounding the rejection.

Contained on the following pages is the list of all the Appointments to Agencies, Boards and Commissions that have been approved, not approved, stood or withdrawn from consideration by the Standing Committee on Human Resources from July 31, 2001 up until September 24, 2002.

APPROVED

STANDING COMMITTEE ON HUMAN RESOURCES

AGENCY, BOARD AND COMMISSION APPOINTMENTS

DEPARTMENT OF AGRICULTURE AND FISHERIES

Crop and Livestock Insurance Arbitration Board

Mark McCrea	Chair/Member	October 30, 2001
Dale Dunlop	Member	October 30, 2001

Crop and Livestock Insurance Commission - Nova Scotia

Gail Parker	Member	July 31, 2001

Farm Loan Board - Nova Scotia

Carol Versteeg	Vice Chair/Member	November 27, 2001
Stephen Healy	Member	November 27, 2001

Farm Practices Board

Fred A. Walsh	Member	March 26, 2002

Fisheries and Aquaculture Loan Board

Roy J. Surette	Member	February 26, 2002

Natural Products Marketing Council

Rolland Hayman	Chair	February 26, 2002
Jeanne Cruikshank	Member	February 26, 2002
Michael Scothorn	Member	February 26, 2002

DEPARTMENT OF COMMUNITY SERVICES

Assistance Appeal Boards

Cape Breton

Angus J. Campbell	Chair / Member	July 31, 2001
Willhelmina Campbell	Member	July 31, 2001
Lavina Forrest	Member	July 31, 2001
Darren McFadgen	Member	July 31, 2001
David Samson	Member	July 31, 2001
Thomas Woodfine	Member	July 31, 2001

Cumberland / Colchester

Juanita P. Johnson	Chair / Member	July 31, 2001
Douglas Dobson	Member	July 31, 2001
Donald Le Blanc	Member	July 31, 2001
Walter Maltby	Member	July 31, 2001
Brenda O'Brien	Member	July 31, 2001

Halifax Regional Municipality

Murdock Morrison	Chair / Member	July 31, 2001
Robert F.N. Covert	Member	August 28, 2001
Norma Kennedy	Member	July 31, 2001
John MacDougall	Member	July 31, 2001
H. David MacKeen	Member	July 31, 2001
Cecil Nickerson	Member	July 31, 2001

Pictou / Antigonish / Guysborough

Lauchie A. MacIsaac	Chair / Member	July 31, 2001
Owen L. Clarke	Member	August 28, 2001
Rita Kennedy	Member	July 31, 2001
M. Patricia MacNeil	Member	July 31, 2001
Ross Sewell	Member	July 31, 2001
Charles (Farrell) Sutherland	Member	July 31, 2001

Assistance Appeal Boards

Western Region

James Wheelhouse	Chair / Member	July 31, 2001
Ken B. Anthony	Member	July 31, 2001
Pauline A. d'Entremont	Member	August 28, 2001
Maria de Vries	Member	July 31, 2001
Carol Hamilton	Member	July 31, 2001
Darrell E. Hannam	Member	July 31, 2001
Glenn Joudrey	Member	July 31, 2001
Bill Milligan	Member	July 31, 2001
John M. Quickfall	Member	July 31, 2001
Wray M. Reading	Member	July 31, 2001
Cheryl Scott	Member	July 31, 2001
Pearl Silver	Member	July 31, 2001
Bruce M. Webber	Member	July 31, 2001
Kenneth Woodman	Member	August 28, 2001
David H. Young	Member	July 31, 2001

Children and Family Services Act Advisory Committee

Paula Altenburg	Member	December 18, 2001
Robert Blair Campbell	Member	October 30, 2001
Marjorie Johnson	Member	October 30, 2001
Sumita Pillay	Member	October 30, 2001
Russell Prime	Member	October 30, 2001

Housing Authorities

Cape Breton

Frank Sutherland	Member	November 27, 2001
Maria Lamey	Member	April 30, 2002

Eastern Mainland

Duncan MacDonald	Member	April 30, 2002

Kings Regional Rehabilitation Centre

Donald C. MacDonald	Member	April 30, 2002
Gerald L. (Gerry) Wentzell	Member	April 30, 2002

Round Table on Child Care

Lyssa Clack	Representative	October 30, 2001
Harriet Field	Member (Early Childhood Training Educator)	August 28, 2001
Lila Hope-Simpson	Representative (Private Administrator Position)	April 30, 2002
Steve Machat	Representative (Parent Position)	April 30, 2002
LeeAnne Marchand	Representative (Non-Profit Administrator Position)	April 30, 2002

Social Workers' Board of Examiners

Elizabeth Whelton	Member	April 30, 2002

ECONOMIC DEVELOPMENT, OFFICE OF

Canada - Nova Scotia Offshore Petroleum Board

Michael D. Casey, C.A., C.B.V.	Member	September 25, 2001

Film Development Corporation Board - Nova Scotia

Martin J. Pink, Q.C.	Chair/Member	February 26, 2002
Michael H. Conde	Member	February 26, 2002
Ernest J. Dick	Member	February 26, 2002
Paul MacKinnon	Member	February 26, 2002

Trade Centre Limited

Frederick R. MacGillivray	Director/President	April 30, 2002
M. Lois Dyer Mann	Director/Chair	April 30, 2002
Peter Bryson, Q.C.	Director	April 30, 2002
David R. Chisholm	Director	April 30, 2002
Hilliard Graves	Director	April 30, 2002
William Lyndon	Director	August 27, 2002
Hon. Stewart McInnes	Director	August 27, 2002
George C. Moody	Director	April 30, 2002

DEPARTMENT OF EDUCATION

Advisory Council on the Status of Women

Linda Carvery	Member	May 28, 2002
Mary Elizabeth Chisholm	Member	May 28, 2002
Mary Hamblin	Member	May 28, 2002
Patricia LeBlanc	Member	May 28, 2002
Candy Palmater	Member	May 28, 2002
Doreen Paris	Member	May 28, 2002
Sonja Power	Member	September 25, 2001
Nancy Vromans	Member	May 28, 2002
Rita Warner	Member	September 25, 2001

Agricultural College Foundation, Nova Scotia

Leonard Ells	Member	August 27, 2002
Richard (Dick) Huggard	Member	November 27, 2001
Margaret (Norrie) McCain	Member	November 27, 2001
Sherry E. Porter	Member	November 27, 2001

Appeal Board - Education Act

Cheryl Hodder	One Person Board of Appeal	August 28, 2001
Stewart McInnes	One Person Board of Appeal	May 28, 2002

Atlantic Provinces Special Education Authority

J. Urban Cannon	Member	February 26, 2002
Heather J. Macpherson	Member	February 26, 2002

Colleges and Universities - Nova Scotia Advisory Board on

John Jerome Paul	Member	August 28, 2001
Chris Wilson	Member	February 26, 2002
Robert W. Shaw, FCA	Member	March 26, 2002

College of Art & Design - Nova Scotia - Board of Governors

Tom Forrestall	Member	July 30, 2002
Lloyd M. Newman	Member	July 30, 2002
Victor Syperek	Member	December 18, 2001

Cosmetology - Provincial Examining and Licensing Committee

Neil F. Currie	Member	August 28, 2001
Michele LeBlanc	Member	August 28, 2001

Dalhousie University Foundation

John Risley	Member	August 28, 2001
Thomas Traves	Member	August 28, 2001

Johnstone (Dr. P. Anthony) Memorial Fund Entrance Scholarship

Marilyn Huber	Representative	February 26, 2002
Edward J. Mroz, P.Eng.	Representative	February 26, 2002
Wanda Robson	Representative	February 26, 2002

Library Boards

Annapolis Valley

Jennifer Richard	Member	August 27, 2002

Cape Breton

John A. (Obbie) Mitchell	Member	November 27, 2001

Colchester-East Hants

Rob Landry	Member	July 30, 2002

Eastern Counties

Kirk Stone	Member	November 27, 2001

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Pictou - Antigonish

Maureen MacGillivray	Member	February 26, 2002
Conrad Poirier	Member	February 26, 2002

South Shore

Alan Wilson	Member	July 31, 2001
George MacAdam	Member	November 27, 2001

Western Counties

Gary Archibald	Member	January 29, 2002

Mount Saint Vincent University - Board of Governors

Scott McCrea	Member	April 30, 2002

Provincial Apprenticeship Board

Kevin Gerrior	Member	March 26, 2002
Norman Paupin	Member	March 26, 2002
Maureen Serroul	Member	March 26, 2002
George White	Member	March 26, 2002

Saint Mary's University Board of Govenors

Larry Hood	Member	October 30, 2001
John S. Fitzpatrick	Member	November 27, 2001

St. Francis Xavier University Foundation

Elizabeth MacDonald	Member	May 28, 2002
Donald Munroe	Member	May 28, 2002
John T. Sears	Member	May 28, 2002

Student Assistance Higher Appeal Board

Michelle Fougere	Member	December 18, 2001
Adam Church	Member	January 29, 2002

Teachers' Certification Appeal Committee

Cheryl Hodder	Member	July 31, 2001
	Member	September 25, 2001
Mary E. Meisner	Member	July 31, 2001
	Member	September 25, 2001
Nancy Mosher	Member	July 31, 2001
	Member	September 25, 2001

University College of Cape Breton - Board of Governors

Robert MaNamara	Member	May 28, 2002
Corrie Stewart	Member	May 28, 2002

University College of Cape Breton Foundation

Scott MacAulay	Member	November 27, 2001
Gordon M. MacInnis, C.A.	Member	November 27, 2001

Youth Advisory Council

Nicole F. Bemister	Member/Co-Chair	March 26, 2002
Ryan MacNeil	Member/Co-Chair	March 26, 2002
Arien Gough	Member	April 30, 2002
Eric Proctor	Member	March 26, 2002
Sarah Reeves	Member	March 26, 2002
Brent Sherar	Member	March 26, 2002
William Victor Szubielski	Member	March 26, 2002

DEPARTMENT OF ENVIRONMENT AND LABOUR

Blasters Board of Examiners for Certification

Kevin Beaton, P. Eng.	Chair/Member	November 27, 2001
Arthur Baxter	Member	April 30, 2002
David Clark	Member	November 27, 2001

Coal Mines Regulation Act - Board of Examiners

John T. Ling	Member	December 18, 2001

Construction Industry Panel - Labour Relations Board - Nova Scotia

Peter E. Darby	Chair/Member	March 26, 2002
Gary Dean	Alt. Mgmt. Mbr.	March 26, 2002
Patrick L. Bourque	Alternate Member	November 27, 2001
Kenneth H. Estabrooks	Alt. Labour Mbr.	March 26, 2002
Stephen C. Graves	Alternate Member	November 27, 2001
Dannie MacDonald	Alt. Labour Mbr.	March 26, 2002
Leo F. McKay	Alt. Labour Mbr.	March 26, 2002

Crane Operators Appeal Board

Cameron McIntyre	Chair / Member	December 18, 2001
Carson R. Dares	Member	December 18, 2001
Bruce Smith	Member	December 18, 2001

Credit Union Deposit Insurance Corporation - Nova Scotia

Real J. Boudreau	Member	August 28, 2001
Robert Mills	Member	August 28, 2001

Fuel Safety Board

Frederick L. Chalmers	Chair/Member	April 30, 2002
John McCormack	Member	April 30, 2002
William Moody, P. Eng.	Member	April 30, 2002
David A. Muise, P. Eng.	Member	April 30, 2002

Labour Relations Board - Nova Scotia

Peter E. Darby	Chair/Member	March 26, 2002
Gary Dean	Alt. Mgmt. Member	March 26, 2002
Reid R. DeLong	Alt. Mgmt. Member	March 26, 2002
Daniel J. MacLeod	Alt. Mgmt. Member	March 26, 2002
Donna VanBuskirk, CHRP	Alt. Mgmt. Member	March 26, 2002
Dennis G. Grant	Alt. Labour Member	March 26, 2002
Brian J. Matheson	Alt. Labour Member	March 26, 2002
Leo F. McKay	Labour Member	March 26, 2002

Labour Standards Tribunal - Nova Scotia

Tony Mozvik	Vice Chair/Alt. Mbr.	December 18, 2001
Sharon R. Richard	Alt. Member	June 25, 2002

Maritime Film Classification

Claudia R. Clarke	Film Classifier	July 30, 2002
Ulysses J. Cottreau	Film Classifier	May 28, 2002
	Film Classifier	July 30, 2002
Jean Currie	Film Classifier	July 30, 2002
James Eisenhauer	Film Classifier	July 30, 2002
George A. Fraser	Film Classifier	May 28, 2002
	Film Classifier	July 30, 2002
Aileen M. Heisler	Film Classifier	July 30, 2002
Mary MacLeod	Film Classifier	July 30, 2002
Irma Mullen	Film Classifier	May 28, 2002
	Film Classifier	July 30, 2002
Alf F. Nielsen	Film Classifier	July 30, 2002
Harold Sanford	Film Classifier	July 30, 2002

Occupational Health and Safety Advisory Council

Allen Howell	Alt. Member (Employer)	March 26, 2002
Carol MacCulloch	Member (Employer)	March 26, 2002
Peter O'Brien	Member (Employer)	March 26, 2002
Sheldon Andrews	Member (Employer)	March 26, 2002
Maureen Pickup	Alt. Member (Employee)	March 26, 2002
Garry Randall	Alt. Member (Employee)	April 30, 2002
Betty Jean Sutherland	Member (Employee)	March 26, 2002

Occupational Health and Safety Appeal Panel

Paul Voynovich	Chair	November 27, 2001
Andrea Gillis, B.A. , LLB	Management Rep.	April 30, 2002
Hugh MacArthur	Labour Rep.	April 30, 2002
Roy MacDonald	Employer Rep.	July 31, 2001
J. Douglas Smith	Employer Rep.	July 31, 2001

Power Engineers and Operators Board

Ross E. Farrant	Member	December 18, 2001
Barrie W. Fiolek	Member	December 18, 2001
Gordon D. MacNeil	Member	December 18, 2001
John D. MacNeil	Member	December 18, 2001
Curtis L. Purdy	Member	December 18, 2001

Power Engineers and Operators Appeal Committee

Mark. W. Savory	Chair / Member	December 18, 2001
Derek (Todd) Nickerson	Member	December 18, 2001
Charles Pearce	Member	December 18, 2001

Resource Recovery Fund Board

Darrell Hiltz	Chair/Member	January 29, 2002
T. H. (Tom) Donaldson	Member	March 26, 2002

Securities Commission - Nova Scotia

Robert MacLellan	Chair / Member	November 27, 2001

Well Construction Advisory Board

Earle C. MacDonald	Member-At-Large	April 30, 2002

Workers' Compensation Board

Elwood Dillman	Mgmt. Member	March 26, 2002
Jim Neville	Labour Member	January 29, 2002

DEPARTMENT OF FINANCE

Gaming Corporation - Nova Scotia

C. Sean O'Connor	Chair / Member	December 18, 2001

Halifax-Dartmouth Bridge Commission

Bruce S. Smith	Chair	February 26, 2002
Linda Moreash	Secretary	February 26, 2002
I. David Covill, P.Eng.	Board Member	February 26, 2002
Larry D. Guptill	Board Member	February 26, 2002
Clinton E. Schofield	Board Member	February 26, 2002

DEPARTMENT OF HEALTH

Aids, Advisory Commission on

Larry Nelson Baxter	Chair / Member	November 27, 2001
Janet Conners	Member	November 27, 2001
Thelma Coward-Ince	Member	December 18, 2001
Dr. Jacqueline Gahagan	Member	November 27, 2001
Dr. William C. Hart	Member	April 30, 2002
Leslie Hickey	Member	April 30, 2002
Julianne R. MacKinnon	Member	December 18, 2001
Dorothy Malcom	Member	December 18, 2001
Robert A. Marshall	Member	November 27, 2001
Dr. Rodney David Wilson	Member	November 27, 2001

Dispensing Opticians Board

Marlene Bayers	Member	September 25, 2001
John Butler	Member	September 25, 2001
Dr. Lystra R. Dayal-Gosine	Member	September 25, 2001
Annette M. Knight	Member	September 25, 2001
Robert MacLeod	Member	September 25, 2001

Health Authority Districts

District 1 - South Shore

Christopher L. A. Clarke	Member	September 24, 2002
Marie Crooker	Member	September 25, 2001
Dr. George A. Ferrier	Member	September 24, 2002
Craig B. Fry	Member	September 24, 2002
Dr. David F. Large	Member	September 24, 2002
Jim Smith	Member	September 25, 2001
James Harold Sunderland	Member	September 24, 2002
Jan O. Sundin	Member	September 25, 2001
Ken Wilkinson	Member	September 25, 2001

District 2 - South West Nova

Linda Blades	Member	September 24, 2002
Donald C. Bower	Member	September 25, 2001
Melbourne Comeau	Member	August 27, 2002
	Member	September 24, 2002
Sarah Fraser	Member	September 24, 2002
James W. Goodwin	Member	September 24, 2002
Darlene Lawrence	Member	September 24, 2002
Rodger MacKinnon	Member	September 25, 2001

District 3 - Annapolis Valley

Jane Farquharson	Member	October 30, 2001
J. Stephenson (Steve) Hemenway	Member	September 24, 2002
Barbara Kaiser	Member	September 24, 2002
Steven M. Menzies	Member	September 24, 2002
James C. Mosher	Member	October 30, 2001
Peter S. Mosher	Member	September 25, 2001
Jim Murphy	Member	March 26, 2002
John (Jack) H. Phinney	Member	September 24, 2002

District 4 - Colchester East Hants

Joan Jamieson	Member	September 24, 2002
Ancel Langille	Member	September 25, 2001
Vernon A. McCully	Member	September 24, 2002
Elizabeth A. Stanfield	Member	March 26, 2002
	Member	September 24, 2002
Bob Tarasuk	Member	September 24, 2002
Barbara Whiston	Member	September 25, 2001
Irene C. Wotherspoon	Member	September 24, 2002

District 5 - Cumberland

Beryl A. MacDonald	Member	September 25, 2001
Ruth Main	Member	September 24, 2002
Creighton A. McCarthy	Member	September 25, 2001
Nancy McLelan	Member	September 24, 2002
Ronald Scott	Member	September 24, 2002
Doris Soley	Member	September 24, 2002

District 6 - Pictou County

Faye Blenkhorne	Member	October 30, 2001
	Member	September 24, 2002
Edward F. Bowden	Member	January 29, 2002
	Member	September 24, 2002
Craig Clarke	Member	December 18, 2001
A. Stewart Logan	Member	September 24, 2002
James MacArthur	Member	September 25, 2001
Robert E. Priske	Member	September 25, 2001
Richard B. Shaver	Member	September 25, 2001

District 7 - Guysborough, Antigonish, Strait

Honourable N. Robert Anderson	Member	September 25, 2001
Wayne Boudreau	Member	November 27, 2001
Sharon MacInnis	Member	September 24, 2002
Betty MacNeil	Member	September 25, 2001
	Member	September 24, 2002
William MacNeil	Member	September 24, 2002
Wendy Panagopoulos	Member	September 25, 2001
David Samson	Member	September 24, 2002

District 8 - Cape Breton

Mildred V. Evans	Member	September 25, 2001
Yvon J. LeBlanc	Member	September 24, 2002
Dawn MacKeigan	Member	September 24, 2002
Dr. D. Lorne MacLellan	Member	September 25, 2001
Elaine Rankin	Member	September 25, 2001
Ronald Williams	Member	September 24, 2002

District 9 - Capital Region

R.D. (Reg) MacLean	Ex-Officio Member	November 27, 2001
Linda M. Best	Member	September 25, 2001
Garnet Burns	Member	October 30, 2001
Elizabeth Cameron	Member	September 24, 2002
Terrence D. Daniels	Member	September 25, 2001
Blaise Donovan	Member	September 24, 2002
Peter Hart	Member	September 24, 2002
Larry Horton	Member	September 24, 2002
Dr. Ed Kinley	Member	September 25, 2001
Dr. Noni E. MacDonald	Member	April 24, 2001
James A. McAllister	Member	September 24, 2002
Bruce McLaughlin	Member	September 24, 2002

Health Research Foundation - Nova Scotia

Joan Fraser	Member	November 27, 2001
Dr. Thomas G. Larder	Member	November 27, 2001

IWK Health Centre

Dr. Noni MacDonald	Member	October 30, 2001

Occupational Therapists of Nova Scotia, Board of the College of

Connie F. Morrissey	Member	May 28, 2002

Pharmaceutical Society, Council of Nova Scotia

Franklyn Burgoyne	Member	December 18, 2001
Charles R. LeBlanc	Member	February 26, 2002
Jean Mary McDougall	Member	January 29, 2002

Physicians and Surgeons of Nova Scotia - Council of the College of

Douglas Lloy	Member	December 18, 2001
Richard C. J. Nurse	Member	February 26, 2002

Physiotherapists, Nova Scotia College of

Christa Y. MacKinnon	Member	August 27, 2002

Practical Nurses Licensing Board

Reverend Jack R. Briggins	Member	September 25, 2001
Joseph H. McLellan	Member	February 26, 2002

Provincial Dental Board

Kore-Lee Cormier	Member	February 26, 2002
Yvette d/Entremont	Member	December 18, 2001
Dr. John W. Miller	Member	December 18, 2001
Dr. Andrew Nette	Member	December 18, 2001
Dwight Rudderham	Member	December 18, 2001
Dr. Andrew B. Stewart	Member	February 26, 2002
Angela Mae Worsley	Member	February 26, 2002

Provincial Health Council

Casey Mooy	Member	February 26, 2002
Walter Proctor	Member	February 26, 2002
Brenda Sabo R. N.	Member	February 26, 2002
Quenta Tynes	Member	February 26, 2002

Queen Elizabeth II Health Sciences Centre and Nova Scotia Hospital

Linda M. Best	Member	November 27, 2001
Garnet Burns	Member	November 27, 2001
Terrence D. Daniels	Member	November 27, 2001
Dr. Ed Kinley	Member	November 27, 2001

Review Board under the Hospitals' Act

Dr. Lawrence Buffett	Member	April 30, 2002
William H. R. Charles, Q.C.	Member	July 30, 2002
Richard W. Cregan, Q.C.	Member	December 18, 2001
Dr. Diane McIntosh	Member	April 30, 2002
Dr. Alistair Munro	Member	October 30, 2001
Dr. Paul Reynolds	Member	April 30, 2002

DEPARTMENT OF JUSTICE

Human Rights Commission - Nova Scotia

Karen Durnford, M.Sc.E., P.Eng.	Commissioner	December 18, 2001
Louis A. Gannon, Jr.	Commissioner	June 25, 2002
Lance R. Hale	Commsssioner	June 25, 2002
Marion Millett	Commissioner	June 25, 2002
Sister Dorothy Moore	Commissioner	June 25, 2002
Delbert Muise	Commissioner	December 18, 2001
Narayanna Swamy	Commissioner	June 25, 2002

Judicial Appointments Review Committee

Dr. Frances A. C. Galvon	Member	May 28, 2002
Gwen Haliburton	Member	December 18, 2001
Lorne R. Perry	Member	May 28, 2002
Robert S. Wright	Member	January 29, 2002

Law Foundation of Nova Scotia - Board of Governors

John S. McFarlane, Q.C.	Chair	April 30. 2002

Law Reform Commission, Nova Scotia

Hon. Justice Thomas A. Cromwell	Commissioner	March 26, 2002
Professor Diana Ginn	Commissioner	June 25, 2002
Keith Evans	Member	January 29, 2002
E. Arleen Paris	Member	January 29, 2002

Legal Aid Commission - Nova Scotia

M. Joseph Rizzetto	Director	December 18, 2001

Police Commission, Nova Scotia

Nadine Cooper Mont	Chair / Member	December 18, 2001

Police Commissioners - Municipal Boards

New Glasgow/Westville

Doug Eddy	Member	February 26, 2002

Police Review Board

Brian S. Creighton	Member	October 30, 2001
	Chair/Member	January 29, 2002
Marion Ferguson	Alt. Member	March 26, 2002
Eunice R. Harker	Alt. Member	March 26, 2002
Brian Lloyd McIntosh	Member	August 28, 2001

Review Board under the Criminal Code

Hon. William J (Bill) Grant	Chair / Member	December 18, 2001
Dr. Richard Howard	Member	December 18, 2001
Dr. Harry Poulos	Member	May 23, 2002
	Member	September 24, 2002
Michael D. Teehan	Member	May 23, 2002
	Member	September 24, 2002
J. Walter Thompson, Q. C.	Member	June 25, 2002

DEPARTMENT OF NATURAL RESOURCES

Primary Forest Products Marketing Board, Nova Scotia

Walter MacAlpine	Chair/Member-At-Large	April 30, 2002
David C. Clark, NSLS	Member (Permanent)	April 30, 2002
Jonathan Michael Porter	Member (Alternate)	April 30, 2002
Stephen Read	Member (Alternate)	April 30, 2002

SERVICES NOVA SCOTIA AND MUNICIPAL RELATIONS

Building Advisory Committee - Nova Scotia

David Bateman	Member	March 26, 2002
Ralph Ferguson	Member	March 26, 2002
Heather Robertson Corrigan	Member	March 26, 2002
Gary Ruitenburg	Member	March 26, 2002
Gerald Sampson	Member	March 26, 2002
Ed Thornhill	Member	March 26, 2002
Ozzie Wile	Member	March 26, 2002

Certified General Accountants Association of Nova Scotia

Gabrielle Morrison	Member	December 18, 2001
Karen K. Stone, APR	Member	December 18, 2001

Municipal Finance Corporation - Nova Scotia

James E. Radford	Director	August 28, 2001

Real Estate Appraisers Association - Board of Directors

Douglas C. McNeil	Member	June 25, 2002
A. Martin Smith	Member	June 25, 2002

Real Estate Commission - Nova Scotia

Kent L. Noseworthy	Commission Member	January 29, 2002
Howard Oakley	Commission Member	September 24, 2002

Regional Assessment Appeal Courts

Central

John D. Bonn	Member	January 29, 2002
Robert G. Cragg	Member	June 25, 2002
Kevin P. Downie	Member	January 29, 2002
Kate Foster	Member	January 29, 2002
David T. S. Fraser	Member	January 29, 2002
Frank MacDonald	Member	January 29, 2002
Kenneth A. MacLean	Member	January 29, 2002
Peter Trask	Member	January 29, 2002
Jean V. Webb	Member	December 18, 2001
Steven G. Zatzman	Member	March 26, 2002

Eastern

William Burke	Member	December 18, 2001
Alexander W. (Sandy) Hudson	Member	January 29, 2002
H. F. (Boe) MacIntyre, Q. C.	Member	March 26, 2002
William F. Meehan	Member	December 18, 2001
Steven K. O'Leary	Member	January 29, 2002

Northern

Ronald R. Chisholm	Member	January 29, 2002
Charles F. Cox	Member	December 18, 2001
Jeffrey R. Hunt	Member	December 18, 2001
David J. Mahoney	Member	January 29, 2002
J. Mark McCrea, Q. C., C. Med.	Member	March 26, 2002

Southern

Patricia Colman	Member	January 29, 2002
James P. DePersio	Member	January 29, 2002
Richard W. P. Murphy	Member	January 29, 2002
J. C. Reddy	Member	December 18, 2001
Mark A. Taylor	Member	March 26, 2002
J. D. F. Theakston	Member	December 18, 2001

Western

David A. Proudfoot	Member	January 29, 2002
Ronald B. Twohig, QC	Member	December 18, 2001

DEPARTMENT OF TOURISM AND CULTURE

Arts Council - Nova Scotia

Gay Hauser	Member	February 26, 2002
John Nowlan	Member	February 26, 2002
Barbara Richman	Member	February 26, 2002

Art Gallery of Nova Scotia - Board of Governors

Mervyn C. Russell	Honorary Govenor	October 30, 2001
Stephen Aftanas	Member	October 30, 2001
J. E. (Joe) Brandt	Member	July 30, 2002
Constance M. Darby	Member	October 30, 2001
Paul Kidston	Member	July 30, 2002
Deanne MacLeod	Member	July 30, 2002
James D. Nicoll	Member	July 30, 2002
Charlotte Wilson-Hammond	Member	October 30, 2001

Boxing Authority, Nova Scotia

R. H. "Dick" MacLean	Chairman	February 26, 2002
Hubert E. Earle	Referree-in-Chief/Advisor	October 30, 2001
Ricky Anderson	Member	February 26, 2002
Glen Edwards	Member	October 30, 2001
David Grace	Member	March 26, 2002
Francis "Rocky" MacDougall	Member	October 30, 2001
Wayne G. Reynolds	Member	October 30, 2001

Museum Nova Scotia - Board of Governors

Betty Ann Aaboe-Milligan	Member	September 24, 2002
Robbins Elliott	Member	September 24, 2002
Gordon Graham	Member	August 28, 2001
Daniel Haughn	Member	September 24, 2002
Martine Jacquot	Member	August 28, 2001
Donald Julien	Member	September 24, 2002
William Mont	Member	August 28, 2001
Lloyd M. Newman	Member	August 28, 2001
Sandra Nowlan, M Sc.	Member	August 28, 2001
Tom Rissesco	Member	August 28, 2001
James St. Clair	Member	August 28, 2001
Dave Whiting	Member	August 28, 2001

Nova Scotia Liquor Corporation

Peter McCreath	Chair	December 18, 2001
Brian Butler	Member	December 18, 2001
Robert Curley	Member	December 18, 2001
Barry J. Eisenhauer	Member	December 18, 2001
James G. MacLean	Member	December 18, 2001
Paula Minnikin	Member	December 18, 2001
William Pyle	Member	December 18, 2001

Peggy's Cove Commission

Marcy Graves	Member	August 27, 2002

Sherbrooke Restoration Commission

Janelle Colp	Commissioner	September 24, 2002

Shubenacadie Canal Commission

Doug English	Commissioner	June 25, 2002
John O'Connor, M.D.	Commissioner	June 25, 2002
Vivien Srivastava, Ph.D.	Commissioner	June 25, 2002

DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS

Highway 104 Western Alignment Corporation - Board of Directors

Leroy Rankin	Director	August 28, 2001

Sydney Environmental Resources Limited

George Hepworth	Director	November 27, 2001
Fred James	Director	November 27, 2001
John MacRitchie, P. Eng.	Director	November 27, 2001
Fran Morrison	Director	November 27, 2001

TREASURY & POLICY BOARD

Voluntary Planning Board, Nova Scotia

J.D. (Jim) Eisenhauer	Chair	September 25, 2001
D.F. (David) Bellefontaine	Vice Chair	September 25, 2001
Bernd Christmas	Director	September 25, 2001
Louis R. Comeau	Director	September 25, 2001
J. Colin Dodds, Ph.D.	Director	September 25, 2001
Suzanne Elizabeth Drapeau	Director	September 25, 2001
Mayann Francis, BA, MPA	Director	September 25, 2001
James B. Henley	Director	November 27, 2001
Hector J. Jacques, M.Eng.,D.Comm.,P.Eng.,FEIC,FCAE	Director	September 25, 2001
Rick MacDonald	Director	September 25, 2001
Daniel William MacInnes, Ph.D.	Director	September 25, 2001
Dr. Teresa MacNeil	Director	September 25, 2001
Robert Waldon	Director	September 25, 2001

STOOD

STANDING COMMITTEE ON HUMAN RESOURCES

AGENCY, BOARD AND COMMISSION APPOINTMENTS

DEPARTMENT OF COMMUNITY SERVICES

Assistance Appeal Boards

Cumberland / Colchester

Susan MacDonald	Member	(July 31, 2001)
	Subsequently Withdrawn	**August 28, 2001**

Pictou / Antigonish / Guysborough

Owen L. Clarke	Member	(July 31, 2001)
	Subsequently Approved	**August 28, 2001**

Western Region

Kenneth Woodman	Member	(July 31, 2001)
	Subsequently Approved	**August 28, 2001**

Housing Authorities

Cobequid

Zena Foster	Member	(November 27, 2001)
	Subsequently Withdrawn	**(December 18, 2001)**

DEPARTMENT OF HEALTH

Pharmaceutical Society, Council of Nova Scotia

Jean Mary McDougall	Member	(December 18, 2001)
	Subsequently Approved	**January 29, 2002**

WITHDRAWN

STANDING COMMITTEE ON HUMAN RESOURCES

AGENCY, BOARD AND COMMISSION APPOINTMENTS

DEPARTMENT OF COMMUNITY SERVICES

Assistance Appeal Boards

Cumberland / Colchester

Susan MacDonald	Member	(Stood - July 31, 2001) **(Withdrawn - August 28, 2001)**

Housing Authorities

Cobequid

Zena Foster	Member	(Stood November 27, 2001) **(Withdrawn December 18, 2001)**

SERVICE NOVA SCOTIA AND MUNICIPAL RELATIONS

Regional Assessment Appeal Courts

Central Region

Tara A. Miller	Member	**(Withdrawn January 29, 2002)**

Standing Committee on Human Resources - Annual Report 2001 - 2002

In accordance with the mandate of the Standing Committee on Human Resources the committee has, as outlined in its previous report, looked at various issues and concerns related to the cultural industry within Nova Scotia. One of the things that has come out of these discussions is concern about Intellectual Property and Intellectual Property as it relates to the cultural sector. The following excerpt outlines the various categories of IP and the concerns, challenges and opportunities of this very complex issue.

Intellectual Property

Witness
Ms. Christene Hirshfeld - Lawyer
Boyne Clarke Barristers & Solicitors

Background

What is intellectual property?
It is very difficult to define intellectual property. However, the best definition is the set of rights resulting from intellectual activity in the industrial, scientific, literary and artistic industries or fields. The laws protecting the results of activities in those fields, and anything arising from those fields in turn, helps to promote creativity and also to promote the dissemination and the application of the results of that creativity. While at the same time protecting the moral and economic rights of the people who create these products and to allow the public to have access to the results.

Challenges of Intellectual Property

Intangibles (such as trademarks) have always been important in industry in establishing a value of a business, and the importance has been increasing over the last few decades. The problem is trying to value intellectual property and finance it. In Canada there is a split system when it comes to the legislation. The majority of the statutes which govern intellectual property are federal statutes but the property rights are governed by the province, so when looking at trying to take security in intellectual property it creates a problem.

Various Categories of Intellectual Property

As stated, most types of IP are governed by federal statutes, such as patent, industrial design, circuit topography, trademark and copyright, to name a few.

A patent is a government grant which gives an inventor the exclusive rights to their invention. It gives a monopoly for a period of time. I.E. the drug industry and the monopoly over newly created drugs and what happens when the patent rights expire.

Industrial design has to do with a visual feature; i.e., a decoration on something that is manufactured.

The Integrated Circuit Topography Act has to do with microchips and semiconductors.

Trade secret, although it is not governed by federal legislation, is the creation of common law/case law. A trade secret is confidential information which gives somebody in business a competitive advantage. i.e., the Kentucky Fried Chicken secret formula. The protection from a trade secret lasts as long as it remains a secret.

A trademark is a work or a symbol or a design or any combination of those that is used to distinguish products from person to person, company to company, industry to industry, etc. It has to do with giving the public information as to the source of something. i.e., Coca-Cola trademark and taste as opposed to something else.

Copyright is a statutory right which protects the expression of content, but not the idea. i.e., voicing the expression of an idea may not be protected, but if it is written down and described on paper then the idea/expression will be protected. Simply put, copyright is the right to copy; it also covers the right to produce, reproduce and publish a work if that work is protected by copyright. It only protects against copying, not against independent creation of the same thing.

In order for something to be protected by copyright, it has to be a "work". A "work" as defined in the Copyright Act has to fall under one of four categories namely : literary works (which includes computer software programs); artistic; drama ; or musical, and the work has to be original. The duration of copyright protection is the life of the author plus 50 years.

The Statute, the Copyright Act, also creates something known as "moral rights". A moral right vests in the person who creates the work, whether that person is an employee or not. As such an employee of a company can waive or not waive their moral rights to a creation. i.e., if an employee creates a software program for one purpose and their employer wants to sell it for another purpose, that employee can object on the basis of the use to which that software is going to be put, if that employee does not waive their moral right.

Matters of Discussion

Although there were various issues discussed during the meeting, outlined below are the key issues that were expressed by the committee.

— Copyrights vs. Moral Rights. As an employee of a company, under the Copyright Act, it says that the employer owns the copyright in anything that is created by the employee in the course of their employment, unless there is an agreement to the contrary. The moral rights are vested in the original author not the holder of the copyright and, an employee can waive moral rights.

— Challenges of Valuation and Financing. The problem with the cultural sector is placing value on things that are very difficult to put a price tag on. With the software industry, there has been some success in hiring companies to place values on software even though the valuations that have come back are always on the low side. However, with the continued move into a knowledge-based economy, hopefully the valuation skills will continue to grow and with it the ability to place value on this commodity.

The financing of intellectual property is partially a valuation issue. A bank would like to be able to say that the asset to finance is worth a certain amount of money, but the second issue that arises from that has to do with taking a secured interest in the intellectual property. While the Copyright Act has provisions about assignments of copyright, there is no provision in the Copyright Act that permits taking a mortgage. A mortgage is the type of security that a bank would want to take over copyright. However, under the Personal Property Security Act, which talks about financing intangibles, is the issue of the federal government who says that it has jurisdiction over copyright.

— Changes to legislation. There has to be some type of international treaty dealing with the protection of intellectual property. One of the concerns that comes up is the whole issue of moving outside Canada or North America. Without some form of international treaty which will govern and protect intellectual property rights, without some consistency across the board there will be difficulty in proceeding. The World Intellectual Property Organization is trying to move towards unified treaties throughout the world. Although it is taking awhile, people are focusing on it. Nova Scotia has to liaise with the federal government on this issue, not only by itself but with the other provinces, because without a consistent approach across the country there will not be any progress made.

— Private Investments. The problem with the private investments sector is that people want a return on their investment. The Nova Scotia equity tax credit can assist in this; it will encourage smaller investors to put money into companies.

— Education. A number of organizations are trying to provide educational sessions. For example, ITANS sponsors lunch and learn sessions. As well the Canadian Intellectual Property Office has an office in Halifax, however there is concern that CIPO may close its Halifax office. If this happens then this resource will lost. Making sure there are links on government Web sites to such organizations as CIPO will be a great service to the public. Web sites where there are links to very reliable sources of information will go a long way towards educating people. Small business owners spend a lot of time trying to educate themselves, and making information readily available would be a great service for them.

Reference to, and within, this transcript can be found on the Nova Scotia government Web site at:
www.gov.ns.ca/legislature/hansard/comm/hr/hr_2002apr16.htm

Standing Committee on Human Resources - Annual Report 2001 - 2002

During deliberations on the previous report of the Standing Committee on Human Resources there was some discussion concerning the inclusion of dissenting opinions, minority reports or condition of concurrences.

During the April 30, 2002 meeting, after some discussion concerning the aforementioned issue, a motion was passed by the Standing Committee on Human Resources stating that

> "The condition of concurrence not be attached or associated directly with the Human Resources Committee Report . . . if the Honourable Member wishes to make this a public document in protest, that being the condition of concurrence, he certainly can feel free to do so." [1]

The motion of the committee was based on the following Rules and Forms of Procedures of the House of Assembly which are as follows:

> "Rule 61 (1) All Questions before Committees shall be decided by a majority of voices, including the voice of the Chairman, and whenever the voices are equal the Chairman shall have a second or casting vote.
>
> Rule 61(2) All decisions of the Committee may be appealed to the House and such appeal shall be dealt with without debate".[2]

Later this same day, during Assembly Debates of the House of Assembly, the aforementioned Honourable Member of the Standing Committee on Human Resources stood on a Point of Privilege citing

> " Mr. Speaker, I rise on a point of privilege today in relation to a matter that occurred this morning in the Legislature's Human Resources Committee . . . Mr. Speaker, there is precedent for conditions of concurrence in this house, in fact in the Human Resources Committee itself conditions of concurrence have previously been filed . . . the point of privilege on which I am rising today is that the chairman of the Human Resources Committee ruled this morning that it is the proper subject matter of a vote in committee on whether to suppress a condition of concurrence proposed by a member of the Opposition." [3]

On May 1, 2002, after considering the matter under advisement, the following ruling was made by the Speaker of the House, the Honourable Murray Scott.

> "As Speaker, it is my duty to determine whether in fact there was a prima facie case for breach of privilege. While there have been situations in the past where the committee has allowed attachments to reports by minority members, it appears to have been done so with the agreement of the committee. In the House of Commons, according to Chapter 10, Section 159, Standing Order 108 (1) (a), 'Standing committees are permitted to . . . report from time to time and to print a brief appendix to any report, after the signature of the Chairman containing such opinions or recommendations, dissenting from the report or supplementary to it, as may be proposed by committee members . . .' Such material is only appended following the adoption of a motion to do so by the committee prior to the presentation of the report to the House."
>
> "It goes on to state further, 'Any dissenting or supplementary opinions which the committee has agreed to attach appear after the Chair's signature'. In Chapter 20 it states further, 'Where one or several members of a standing committee are in disagreement with the committee's report or wish to make supplementary comments, the committee may decide to append such opinions to the report , after the signature of the Chair. Dissenting or supplementary opinions may be presented by any member of a committee. Although committees have the power to append these opinions to their reports, they are not obligated to do so.' The committee has the right to make the decision on its own."
>
> "I believe it is clear in the federal rules, while it is not very clear in our own, that a committee has the option to append comments of any of its members, however it is not obligated to do so and the committee has the right to make that decision on its own."
>
> "Based on this, I am ruling that there is not a breach of privilege as brought forward by the Honourable member for Halifax Fairview but according to Rule 61(2) of our Rules and Forms of Procedure, 'All decisions of the committee may be appealed to the House and such appeal shall be dealt with without debate.'"[4]

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1. Excerpt from the Hansard transcript of the Standing Committee on Human Resources, April 30, 2002, page 21.

2. Excerpt from the Rules and Forms of Procedures of the House of Assembly.

3. Excerpt from Assembly Debates of the Nova Scotia House of Assembly, Tuesday, April 30, 2002.

4. Excerpt from Assembly Debates of the Nova Scotia House of Assembly, Wednesday, May 1, 2002.

NOTICES

Notices of committee meetings are sent to all members of the Committee, caucus offices, Legislative staff and the House of Assembly Press Gallery and are posted in Province House.

VERBATIM TRANSCRIPTS

Transcripts of these Committee meetings are available from the Legislative Committees Office or on the Committee's web-site at the following address;

http://www.gov.ns.ca/legislature/COMMITTEES/index.html

RESEARCH MATERIAL

All research for the Human Resources Committee is compiled by the committee clerk and researcher and distributed to committee members one week prior to meetings.

ANNUAL REPORTS

All reports from the Human Resources Committee are compiled and written by the committee clerk. Once the Chairman has approved the initial draft, it is then sent to the individual Committee members for consideration. The draft review complete, the final report is prepared and tabled with either the Speaker or the Clerk of the House.

Distribution of the report is as follows: to the Speaker, all members of the Legislature, all witnesses who appeared before the Committee, the Legislative Library, Libraries in Nova Scotia and in all other provinces and territories, all Canadian Human Resources Committees and the media. This report is also available to the general public upon request through the Legislative Committees Office and on the Legislature's website at the following address;

www.gov.ns.ca/legislature/committees/index.html

ACKNOWLEDGMENTS

The Committee wishes to extend its gratitude to witnesses for their time and cooperation; Ms. Christene Hirschfeld, Lawyer, Boyne Clarke Barristers and Solicitors, Ms. Allison Scott, QC, Secretary of the Executive Council and the Staff of the Executive Council's Office; the staff of the Legislative Committees Office for the organization and research of committee meetings. Special thanks goes to: Mr. Robert Kinsman, Editor of Hansard, and Hansard staff; Mr. Don Ledger, Co-ordinator Legislative Television and Broadcast Services for their cooperation and services, the Legislative Library and Staff and to Mr. Mike Laffin and House of Assembly Operations Staff.

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STATEMENT OF SUBMISSION

All of which is respectfully submitted to the House of Assembly
this 26 day of November, 2002

Mr. Jon Carey, MLA
Chairman
(Kings West)

I Concur

Mr. Ron Chisholm, MLA
(Guysborough-Port Hawkesbury)

I Concur

Mr. John Chataway, MLA
(Chester-St. Margaret's)

I Concur

Mrs. Mary Ann McGrath, MLA
(Halifax-Bedford Basin)

I Concur

Mr. Brooke Taylor, MLA
(Colchester-Musquodoboit Valley)

I Concur

Ms. Maureen MacDonald, MLA
(Halifax-Needham)

I Concur

Mr. Graham Steele, MLA
(Halifax-Fairview)

I Concur

Dr. Jim Smith, MLA
(Dartmouth East)

I Concur

Mr. Brian Boudreau, MLA
(Cape Breton the Lakes)

(The Statement of Submission is signed with original signatures on the hard copy)

APPENDICES

The honourable member for Halifax Fairview.

MR. GRAHAM STEELE: Mr. Speaker, I rise on a point of privilege today in relation to a matter that occurred this morning in the Legislature's Human Resources Committee. The committee, over the past number of meetings, has been considering its annual report and as part of its consideration of the annual report, I had drafted and circulated a notice that in this Legislature is known as a condition of concurrence which states that the member signs onto the main report but has some additional remarks that he wishes to make. That was filed with the other members of the committee on behalf of myself and the member for Halifax Needham.

Mr. Speaker, there is precedent for conditions of concurrence in this House, in fact in the Human Resources Committee itself conditions of concurrence have previously been filed, and copies of those conditions of concurrence, last filed by the former, former member for Halifax Fairview and the former member for Kings North, were circulated to all members

of the committee and they were well aware that this was a fairly standard routine in that particular committee.

Mr. Speaker, the point of privilege on which I'm rising today is that the chairman of the Human Resources Committee ruled this morning that it is the proper subject matter of a vote in committee on whether to suppress a condition of concurrence proposed by a member of the Opposition. Neither the chairman nor the legislative counsel nor any member of the committee could cite any precedent for a vote on whether to accept or not to accept a condition of concurrence in committee, even though the members were well aware there was precedent, in fact, for conditions of concurrence being attached.

Mr. Speaker, I'm rising today, not raising an appeal from the committee's decision, which is another procedure which I may pursue in due course, but rather raising as a matter of privilege, as my right as a member, to speak and to add my condition of concurrence to the annual report of the Human Resources Committee. What I am objecting to is the chairman's ruling that it is the proper subject matter of a vote on whether the members of the committee accept or do not accept a condition of concurrence because, of course, by its very nature, a condition of concurrence is something to which a majority of the members of the committee do not agree. If they did, it would be incorporated into the main body of the report.

Mr. Speaker, I cannot understand and I cannot accept that this is appropriate procedure in the House, that a majority is allowed to vote on a condition of concurrence filed by a member of the Opposition. I would ask you to take the matter under advisement.

MR. SPEAKER: Order, please.

The honourable member for Dartmouth South.

MR. TIMOTHY OLIVE: Mr. Speaker, I would like to rise on this issue as I was a member of that committee this morning. (Interruptions)

MR. SPEAKER: The honourable member for Dartmouth South has the floor.

MR. OLIVE: Mr. Speaker, the condition of concurrence was sent out a couple of weeks ago. It was presented at last month's Human Resources Committee, and it was reviewed there. There was a general discussion. It was sent out a couple of weeks ago. All members then had an opportunity to read that condition of concurrence, it could also be called - for the benefit of those who are not familiar - a minority report. That, perhaps, puts it in the proper context.

Mr. Speaker, there may be a perceived precedent set in prior years, and the member quoted one by a previous member of this House, with the support of the Opposition. Those decisions are made at the Human Resources Committee. They are decisions made at the time, based on the evidence provided. We had a chance to review this document for two weeks. A decision was made this morning by those committee members. It was supported by both the government and the Liberal members of the committee.

[12:15 p.m.]

Mr. Speaker, I obviously don't wish to get political about this, but the minority report clearly did not follow the standard for a condition of concurrence and/or a minority report in that it didn't add to the report; it didn't provide alternatives to the report. If it did that, as the others did, that was quoted, it may well have been accepted. Mr. Speaker, this was a political diatribe. It's something that we hear monthly at the Human Resources Committee. It has no foundation, or provides any alternatives to the current program that was put in place in prior years for the guidance and direction of the Human Resources Committee.

I don't believe, as a member of that committee, that I am obligated to accept a document that adds nothing to the report other than political commentary. My fellow members on the committee felt the same. The Liberal Opposition members also supported the fact that it was nothing more than a political diatribe aimed at trying to gain some political advantage where there was none and, therefore, Mr. Speaker, on the point of privilege, I believe there is not a point of privilege, although I'm sure you will rule that. I hope you will rule that based on the information presented.

This was a decision made by the Human Resources Committee. It was the right decision. Mr. Speaker, the chairman of the committee, the honourable member for Queens, did clearly indicated to the committee and to the honourable member who stood in this House a moment ago that he did have an option of appeal, and we have heard now that he's chosen to make an appeal to the House. So one has to question whether or not, under the scrutiny of the House, that document would be any further ahead as being attached to a condition of concurrence. Having said that, I will take my seat.

MR. SPEAKER: The honourable member for Cape Breton West.

MR. RUSSELL MACKINNON: Mr. Speaker, I would like to speak to the point of personal privilege as well. I believe that, perhaps not intentionally, the honourable member for Halifax Fairview may have misguided the House on his point of personal privilege. He's suggesting that the committee made a decision not to allow this report of concurrence. That's simply not the case. The point and the motion that was before the committee, and Hansard will show the record, was, in fact, the motion was not to include it as part of this report, and that was a decision of the committee; a decision of the committee, by the way, which is fully within the Rules of the House of Assembly, the Rules and Forms of Procedure.

Mr. Speaker, the chairman of the committee quoted the rule, the section that the honourable member, as with all members of the committee, was guided in allowing the vote to take place. There is certainly ample opportunity for the honourable member for Halifax Fairview to appeal to the House in its entirety or, for that matter, as I suggested at the committee level, bring it before the Special Committee on Assembly Matters. But, unfortunately, some of the detail that was outlined in this so-called report of concurrence by the honourable member for Halifax Fairview has some very good detail and some valid points, but it was mixed in with the usual political slush that you will find coming from the NDP. As a result, it forced members of the committee to take a hard stand so that we could very clearly and succinctly distinguish fact from fiction.

Mr. Speaker, I believe that you will find that there really is no basis for a point of personal privilege and that all the Rules of the House have fully been abided by, and that's the basis upon which we made our decision. There's nothing in the rules that preclude the NDP member or any member of this House to provide a minority report on their own and publish it in whatever fashion they see fit. Thank you, Mr. Speaker.

MR. SPEAKER: The honourable member for Halifax Needham.

MS. MAUREEN MACDONALD: Mr. Speaker, I would like to speak as well on this point of personal privilege. It seems to me that there has been for some time a practice, a precedent in this Legislature for standing committees that make provision for members of standing committees to sign onto reports from the committees that are very descriptive in nature, in terms of the business that has been conducted, but reports that fail to address ways to improve the process - and I and my colleague, the member for Halifax Fairview, were essentially attempting to point out some of the ways in which the business of this committee could be improved, and to have that dismissed in the manner which occurred is highly unusual and, I submit, a violation of the privilege of members of this House.

This could occur to members of that Party or members of that Party at any time on a standing committee, and I ask you to examine quite carefully what has occurred in the past and the privileges of members of standing committees that will be undermined if this decision is permitted to stand, Mr. Speaker.

MR. SPEAKER: Thank you, and I will certainly take the matter under advisement.

House of Assembly
Nova Scotia

HALIFAX, WEDNESDAY, MAY 1, 2002

Fifty-eighth General Assembly

Second Session

2:00 P.M.

SPEAKER

Hon. Murray Scott

DEPUTY SPEAKERS

Mr. Brooke Taylor, Mr. Jerry Pye, Mr. David Wilson

SPEAKER'S RULING: Attachment of Condition of Concurrence to Standing Committee Report. (Pt. of Priv. by Mr. G. Steele [Hansard p.9112])

MR. SPEAKER: At this time, I would like to give a ruling on a subject that has been brought before the House. On Tuesday, April 30, 2002, the honourable member for Halifax Fairview rose on a point of privilege. The member stated that at the Standing Committee on Human Resources he was denied the ability to attach a condition of concurrence to the annual report as prepared by the Human Resources Committee. The member felt that as past practice had indicated, that his privilege as a member was being breached by not allowing this practice to continue.

As Speaker, it is my duty to determine whether in fact there is a prima facie case for breach of privilege. While there have been situations in the past where the committee has allowed attachments to reports by minority members, it appears to have been done so with the agreement of the committee. In the House of Commons, according to Chapter 10, Section 159, Standing Order 108(1)(a), "Standing committees are permitted to ' . . report from time to time and to print a brief appendix to any report, after the signature of the Chairman containing such opinions or recommendations, dissenting from the report or supplementary to it, as may be proposed by committee members . . .' Such material is only appended following the adoption of a motion to do so by the committee prior to the presentation of the report to the House."

It goes on to state further, "Any dissenting or supplementary opinions which the committee has agreed to attach appear after the Chair's signature." In Chapter 20 it states further, "Where one or several members of a standing committee are in disagreement with the committee's report or wish to make supplementary comments, the committee may decide to append such opinions to the report, after the signature of the Chair. Dissenting or supplementary opinions may be presented by any member of a committee. Although committees have the power to append these opinions to their reports, they are not obligated to do so." The committee has the right to make the decisions on its own.

I believe it is clear in the federal rules, while it is not very clear in our own, that a committee has the option to append comments of any of its members, however it is not obligated to do so and the committee has the right to make that decision on its own.

Based on this, I am ruling that there is not a breach of privilege as brought forward by the honourable member for Halifax Fairview but according to Rule 61.2 of our Rules and Forms of Procedure, "All decisions of the committee may be appealed to the House and such appeal shall be dealt with without debate."

original House copy of the bill. The reprinted copy of the bill clearly indicates the changes which the committee has made to the bill.

Committees also present a variety of procedural or administrative reports from time to time, seeking additional powers not provided in their permanent or special orders of reference. Where a possible breach of privilege related to a committee's work has occurred, the committee is not empowered to deal with the matter itself, but may report the incident to the House.[563]

Substantive Reports

Substantive reports, especially lengthy ones, are often prepared as printed documents with special covers. While committees have considerable latitude in the format of such reports, there are a number of elements which are normally included. The text of the report follows the citation of the authority under which the study was carried out. It outlines the issue or issues dealt with and often includes reference to appropriate portions of the submissions the committee received, both oral and written. For large studies, the text is usually divided into separate chapters, dealing with the various aspects of the subject. Following the text, the committee's recommendations on the subject are listed. Appendices are usually included, listing the witnesses heard and the briefs submitted in the course of the study. If the committee has chosen to request a government response to the report, the request is inserted before the Chair's signature at the end of the report. Any dissenting or supplementary opinions which the committee has agreed to attach appear after the Chair's signature. The relevant minutes of proceedings, relating to the committee's adoption of the report, conclude the document.[564]

Supplementary and Dissenting Opinions

A committee report reflects the opinion of the committee and not that of the individual members. Members of the committee who disagree with the decision of the majority may not present a separate report. There is no provision in the Standing Orders or the practices of the House for presenting minority reports.[565] Where one or several members of a standing committee are in disagreement with the committee's report or wish to make supplementary comments, the committee may decide to

563. Committees have reported concerning the revelation of *in camera* proceedings, and the failure of witnesses to appear or to produce papers required by the committee. See, for example, *Journals*, April 28-9, 1987, p. 791; May 13, 1987, p. 909.

564. Copies of the *Minutes* of all meetings relating to the report are tabled in the House along with the report itself. See, for example, *Journals*, May 31, 1999, p. 1968.

565. Speaker Parent pointed out in a 1994 ruling: "Regardless of how the media or members themselves may label such dissent, the House has never recognized or permitted the tabling of minority reports. Speaker Lamoureux twice condemned the idea of minority reports, explaining to the House that what is presented to the House from a committee is a report from the committee, not a report from the majority." See *Debates*, November 24, 1994, p. 8252.

append such opinions to the report,[566] after the signature of the Chair.[567] Dissenting or supplementary opinions may be presented by any member of a committee.[568] Although committees have the power to append these opinions to their reports, they are not obliged to do so.[569] In agreeing to append a dissenting or supplementary opinion, the committee will often specify the maximum length of the text, the deadline for submission to the clerk and whether it is to be submitted in one or both official languages.[570]

PRESENTATION IN THE HOUSE

Committee reports are presented during the Daily Routine of Business, when the Speaker calls, "Presenting Reports from Committees".[571] Reports are ordinarily

566. Standing Order 108(1)(*a*). Prior to the addition of this provision to the Standing Orders in 1991, only the committee report could be presented in the House, and there was no provision for appending the opinions of those members who differed from the majority. See *Journals*, April 11, 1991, pp. 2905-32, in particular p. 2924. On occasion, the House did give consent for dissenting opinions to be presented. See, for example, *Journals*, June 16, 1993, p. 3318; *Debates*, June 16, 1993, p. 20921. Although the current wording of the Standing Order restricts its application to standing committees, Speaker Parent has ruled that, unless the House explicitly directs otherwise, the practice of allowing it to apply to special committees as well will be permitted to continue. See *Debates*, November 24, 1994, p. 8252.

567. On November 16, 1994, Michel Gauthier (Roberval) raised a point of order respecting the receivability of the report of the Special Joint Committee Reviewing Canada's Foreign Policy. The dissenting opinions to the report had been printed in a separate volume from the report itself, and therefore did not immediately follow the Chair's signature. The Member argued that, in the absence of a decision by the Committee, there was no authority to print the report in that format. Speaker Parent ruled that the report's format did not contravene the spirit of the Standing Order, but expressed the view that committees should, in future, "ensure by means of explicit and carefully worded motions in keeping with the terms of Standing Order 108(1)(*a*) that their members are perfectly clear as to the format in which these reports will be presented to the House". See *Debates*, November 16, 1994, pp. 7859-62; November 24, 1994, pp. 28252-3.

568. Dissenting opinions have been presented by committee Chairs and Parliamentary Secretaries. See, for example, the Seventh Report of the Standing Committee on Public Accounts, March 31, 1998, and the First Report of the Standing Committee on Fisheries and Oceans, March 23, 1998.

569. Committees have negatived motions to append dissenting opinions. See, for example, Standing Committee on Procedure and House Affairs, *Minutes*, November 25, 1997, Meeting No. 7.

570. See, for example, Standing Committee on Environment and Sustainable Development, *Minutes*, May 13, 1998, Meeting No. 52.

571. Standing Orders 30(3) and 35. See Chapter 10, "The Daily Program". If the report relates to the Main Estimates of a department or agency for which consideration has been extended at the request of the Leader of the Opposition, the House may, on the last day provided for the presentation of the report, interrupt its proceedings and revert to "Presenting Reports from Committees" for that purpose (Standing Order 81(4)(*c*)). The *Centennial Flame Research Award Act*, adopted in 1991, requires the annual tabling of the research paper prepared by the winner of the award for the previous year. While the report is tabled by the Chair of the committee responsible for administering the Act (currently, the Standing Committee on Human Resources Development and the Status of Persons with Disabilities), it is not considered as a report of the Committee. As the Standing Orders do not make provision for the tabling of documents by Members other than Ministers and the Speaker, the presentation of the annual report has varied. It has been presented both under "Tabling of Documents" and "Presenting Reports from Committees", and it has also been filed with the Clerk pursuant to Standing Order 32(1). See S.C. 1991, c. 17, s. 7(1); *Journals*, June 14, 1993, p. 3204; December 13, 1994, p. 1043; April 23, 1997, pp. 1515-6; May 12, 1998, p. 775; June 10, 1999, p. 2090.

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